

## REMARKS

The above amendments and these remarks are responsive to the Office action dated July 27, 2005. Claims 1-12 are pending in the application. In the Office action, claims 1 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajima et al. (U.S. Published Application No. 2003/0129888), claims 2, 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al., claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al. in view of Hattori (U.S. Pat. No. 6,471,557), and claims 5 and 12 are indicated as allowable if rewritten in independent form. Applicants thank the Examiner for the careful consideration of the application and the indications of allowability. Applicants traverse the rejections, but nevertheless amend the claims as shown above. In view of the amendments above, and the remarks below, Applicants respectfully request reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

### Claim 1

Claim 1 has been amended to include a combination of claims 1 to 3 and to recite the manner in which the air cleaner box mounts to the deck. As amended, claim 1 recites that the air cleaner box is removably rigidly attached by a support member to a region of the deck that is located behind and in the vicinity of a first opening which is provided at a position of the deck above the engine. One exemplary embodiment illustrating these claimed features is shown in Fig. 3 of the subject application, reproduced below. A potential advantage of the claimed structural features is that the air cleaner box may be attached to the deck in the vicinity of the first opening (e.g., first deck opening 6 in

In contrast, Nakajima et al. does not disclose or suggest the recited manner in which the air cleaner box is mounted to the deck, in combination with the remaining features recited in amended claim 1. Lacking these features, Nakajima et al. is unable to provide the potential advantages discussed above. For these reasons, Applicants respectfully submit that claim 1 is allowable.

**These claims are canceled, without prejudice.**

#### Claim 4

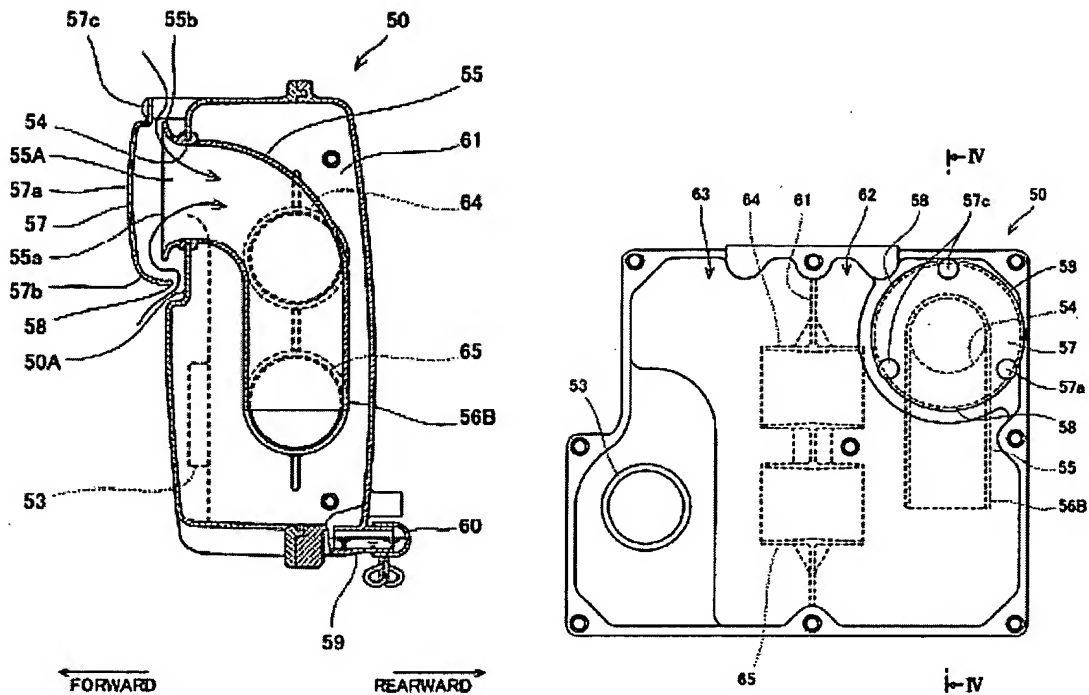
Claim 4 is amended to depend from amended claim 1. The features of amended claim 1 in combination with the features of claim 4 are not disclosed or suggested by the combination of Nakajima et al. and Hattori. Thus, claim 4 is believed allowable.

#### Claim 5

Claim 5 is amended to delete features that are recited in amended claim 1. As the features of claims 1 and 5 are not disclosed by Nakajima et al, nor any other prior art of record, Applicants respectfully submit that claim 5 is allowable.

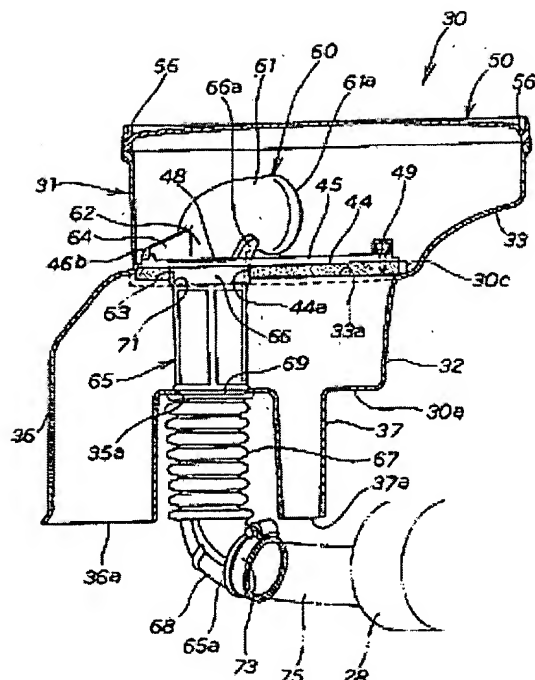
#### Claim 6

Amended claim 6 depends from amended claim 1 and has been amended to recite structural features of the air inlet and the cover. One example of such a construction is illustrated in Figs. 4 and 5, reproduced below. The air inlet is provided on an upper portion of the air cleaner box (50) and opens outward of a wall portion of the air cleaner box which forms an inner space (62, 63) of the air cleaner box. The air inlet is covered with a cover positioned opposite the air inlet such that the cover and the air inlet form a gap between them which forms an air passage through which an air is guided from an interior of the engine room (8) to the inner space of the air cleaner box. With such structural features, the air cleaner box is formed simply and entry of water into the inner space is effectively inhibited.



*Subject Application – Fig. 4 (left) and Fig. 5 (right)*

In contrast, the air cleaner box disclosed in Nakajima et al. is structured such that a wall portion (main body 31) and a cover (50) form an inner space, and an air inlet (61a) opens in the inner space, as shown in Fig. 3, reproduced below. The cover (50) is not disposed opposite the air inlet (61a), rather the cover and air inlet are positioned at a right angle to each other. Thus, Nakajima et al. does not disclose the features recited in amended claim 6.



*Nakajima et al. – Fig. 3*

For the above reasons, Applicants respectfully submit that the features of claims 1 and 6 are not disclosed by Nakajima et al., nor any other prior art of record. Applicants therefore respectfully submit that claim 6 is allowable.

#### Claim 7

Claim 7 has been amended to delete features recited in amended claim 6 and to clarify the structure of the air guide pipe and the position of the outlet opening. Nakajima et al. does not disclose the recited features, namely, that the outlet extends downward from the inlet through the inner space of the air cleaner box and opens in the lower portion of the inner space. Applicants respectfully submit that the features of claims 1, 6 and 7 are not disclosed by Nakajima et al., nor any other prior art of record, and therefore believe that claim 7 is allowable.

#### Claim 8

Claim 8 has been amended to clarify the structure of the front wall and the structure of the concave portion. The concave portion is configured to be caved rearward and to be formed on an upper portion of a front wall of the wall portion of the air cleaner box that forms the inner space of the air cleaner box, and the air inlet is formed on the concave portion, as shown in Fig. 4 above. One potential advantage of these recited structural features is that the air inlet may be located behind a foremost face of the air cleaner box, and thus the water may be effectively inhibited from flowing from the interior of the engine room into the air cleaner box through the air inlet. These features, in combination with the features recited in base and intervening claims 1, 6, and 7, are not disclosed or suggested by Nakajima. Therefore, applicants believe claim 8 is allowable.

#### Claim 10-11

These claims are cancelled without prejudice.

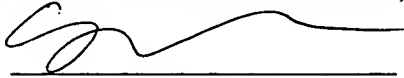
#### Claim 12

Claim 12, which was indicated as allowable, has been rewritten in independent form. Therefore, amended claim 12 believed to be allowable.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicants respectfully request that the Examiner issue a Notice of Allowance covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

**CERTIFICATE OF MAILING**

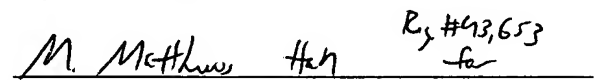
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 20, 2005.



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Respectfully submitted,

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